

REMARKS

Claims 1 - 24 are in the application. Claims 1 – 6, 9 – 13, 16 – 19, 21, 22, and 24 are currently amended; claims 7, 8, 14, 15, 20, and 23 remain unchanged from the original versions thereof; and claims 25 -28 are canceled. Claims 1, 22, and 24 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

Information Disclosure Statement

The Office Action states that the information disclosure statements (I.D.S.s) filed on 11/20/03, 07/16/03 and 07/08/02 failed to comply with the provisions of 37 CFR 1.97, 1.08 and MPEP § 609 because the NPL literatures cited therein were not attached with the application. The Office Action further states that the date of any re-submission of any missing element of the subject I.D.S.s would be the date of submission for purposes of determining time of filing compliance under 37 CFR 1.97(e).

Applicant respectfully submits that I.D.S. filed on 07/08/02 included a copy of all seven references listed therein (4 U.S. Patent Documents, 2 Foreign Patent Documents, and 1 NPL Document). Furthermore, Applicant received an USPTO OIPE date stamped (July 12, 2003) return receipt postcard that specifically lists an I.D.S. and "copies of 7 references". Similarly, the I.D.S. filed on 07/16/03 included a copy of the reference listed therein. Applicant also received an USPTO OIPE date stamped (July 18, 2003) return receipt postcard that specifically lists an I.D.S. and "Form PTO-1449 with 1 reference". Thus, the record clearly indicates that the USPTO OIPE acknowledged receipt of the items specifically listed on the return postcard receipt.

Accordingly, Applicant submits that the I.D.S.s filed on 07/08/02 and 07/16/03 were properly filed with all of the necessary items to afford each the respective original filing date. The proper and complete filing of each I.D.S. is substantiated by the

USPTO OIPE date stamped postcard receipts. Copies of the USPTO OIPE date stamped receipts are included herewith. Additionally, Applicant includes a courtesy copy of the previously filed I.D.S.s and NPL documents.

Therefore, Applicant requests that consideration of the NPL documents and that they be accorded the original filing date of the I.D.S.s.

Applicant also submits that the I.D.S. mailed on 07/08/02 included a copy of the Written Opinion dated October 7, 2003 for a PCT application corresponding to the current application. However, a copy of an USPTO OIPE date stamped postcard receipt is not available (not filed by Applicant's present representative law firm). A copy of the Written Opinion dated October 7, 2003 is included herewith.

Applicant requests that consideration of the Written Opinion dated October 7, 2003.

Oath/Declaration

The Office requests a new oath or declaration because the pending application does include an oath or declaration that identifies the application to which the oath/declaration is to form a part, preferably by application number and filing date in the body of the oath or declaration.

Applicant notes that a properly executed declaration was filed with the USPTO as part of a Response to Notice to File Missing Parts (NOMP) filed May 6, 2002. Applicant submits that the declaration executed and filed in the application does in fact identify the present application by both filing date (February 12, 2002) and application serial number (10/074,583). A copy of the executed Declaration and Power of Attorney filed May 6, 2003 is included herewith. Applicant also includes a copy of the USPTO OIPE date stamped postcard receipt that substantiates the Office received the executed declaration.

Specification

The disclosure was objected to for including a number of informalities.

The Office Action stated that the words "complex associations can be developed" cited in line 20 of page 6 of the specification should be corrected as: "complex associations can be developed". The specification is amended as suggested, as indicated in the "Amendments to the Specification" section hereinabove.

The Office Action stated that the words "this information is correlates with a low scaled weighting" cited in line 23 of page 6 of the specification should be corrected as: "this information is correlated with a low scaled weighting". The specification is amended as suggested, as indicated in the "Amendments to the Specification" section hereinabove.

Line 12 of page 7 of the specification previously associated "security level" with numeral 104. However, "security level" is associated with numeral 105 in Fig. 1. The specification is amended to agree with Fig. 1.

Accordingly, Applicant requests the reconsideration and withdrawal of the objections to the specification.

Claim Rejections – 35 USC § 101

Claims 1 - 21 and 24 - 25 were rejected for allegedly claiming non-statutory subject matter under 35 USC 101. This rejection is respectfully traversed

Claim 1 is currently amended to state, in relevant part to the rejection under 35 USC 101, "processing, by a computer, the information received". Clearly, the claimed method is associated with hardware, namely a computer that processes the claimed received information. Claims 2 - 21 depend from claim 1. Applicant respectfully submits that claims 1 -21 are directed to and claim statutory subject matter.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 -21 under 35 USC 101.

Claim 24 is currently amended to recite, “[A] computer-readable medium having computer executable program instructions residing thereon, the computer-readable medium comprising: instructions to receive...; instructions to structure...; and instructions to calculate...”. Applicant respectfully submits that the claimed computer-readable medium is patentable under 35 USC 101.

Therefore, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 -21 under 35 USC 101.

Claim 25 is canceled. Accordingly, the rejection thereto is moot.

Claim Objections

Claim 27, now canceled, was objected to in the Office Action. Since claim 27 is canceled, the objection thereto is moot.

Claim Rejections – 35 USC § 112

Claims 11 and 12 were rejected for reciting “the suggested security measure” in line 1 without insufficient antecedent basis for such. In reply thereto, claims 11 and 12 are currently amended to depend from claim 6. Claim 6 recites a suggested security measure. Applicant respectfully submits that there is sufficient antecedent basis for “the suggested security measure” recited in claims 11 and 12 in claim 6.

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 11 and 12 under 35 USC 112, 2nd paragraph.

Claim 13 was rejected under 35 USC 112, 2nd paragraph for lacking proper antecedent basis. Claim 13 is currently amended to overcome this rejection by having claim 13 depend from claim 6. Applicant requests the reconsideration and withdrawal of the rejection of claim 13 under 35 USC 112, 2nd paragraph.

Claims 22 - 23 and 26 - 28 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22 is currently amended to correct the antecedent basis issue noted therein by the Office Action. Applicant submits that the currently amended claim 22 overcomes the rejection of record under 35 USC 112, 2nd paragraph. Additionally, claim 23 also overcomes the rejection of record under 35 USC 112, 2nd paragraph since it depends from claim 22.

Applicant requests the reconsideration and withdrawal of the rejection of claims 22 and 23 13 under 35 USC 112, 2nd paragraph.

Claim 26 – 28 are now canceled. Therefore, any rejections thereto are moot.

Claim Rejections – 35 USC § 102(b)

Claims 1-7 and 10-19 are rejected as being anticipated by Teller-Kanzler et al., EP 0999489 A2 (hereinafter, Teller-Kanzler). This rejection is respectfully traversed.

Regarding claim 1, Applicant notes that claim 1 relates a computer-implemented method for managing risk related to a security risk event that includes receiving information related to a particular security risk event. That is, the information received is related a particular or specific security risk event.

Applicant submits that the previous claim 1 clearly recited receiving information related to a security risk event. However, Applicant clarifies by current amendment that the security event is a particular event. Thus, it should be clear that the security risk event does not relate a general state or condition of a system, location, or organization but instead is related to a particular event.

Support for the current amendments of claim 1 may be found in the specification at least at page 2, lines 19 – 21 wherein it is disclosed, “[A] security risk level is

calculated using the structured information such that it is indicative of the magnitude of the consequences should a breach of security occur related to an event.”

Contrary to Applicant's claims, the cited and relied upon Teller-Kanzler discloses a method and system for evaluating information security that describes where an entity “stands with regard to threats and vulnerabilities to its information security at any point in time.” (See Teller-Kanzler Abstract) That is, the disclosed system and method provided a mechanism for describing the general state of an entity with respect to threats.

Furthermore, Teller-Kanzler does not disclose or suggest a method and system that includes receiving information related to a security risk event as claimed by Applicant. In particular, the Office Action's citation to and reliance on the disclosure of step s6 of Fig. 6 and col. 3, lines 20 - 36 highlights that the Teller-Kanzler system and method “information is received about one or more security characteristics for the identified information security resource which is indicative of a pre-defined risk level for the information security of the entity and which also indicates a pre-defined level of readiness of the entity to deal with a risk to the information security of the entity.” Thus, Teller-Kanzler clearly discloses receiving information related to information security resources that indicates a level of security readiness for an entity, not a security risk related to a particular security risk event.

Therefore, Applicant respectfully submits that the cited and relied upon Teller-Kanzler fails to disclose or suggest that for which it is cited and relied upon for disclosing. As such, Applicant respectfully submits that Teller-Kanzler does not anticipate claim 1 under 35 USC 102(b). Claims 2 - 7 and 10 - 19 depend from claim 1. Applicant submits that claims 2 - 7 and 10 - 19 are also not anticipated by Teller-Kanzler under 35 USC 102(b) for at least depending from an allowable base claim.

Therefore, Applicant respectfully requests the reconsideration of the rejection of claims 1 - 7 and 10 - 19 under 35 USC 102(b), and the allowance of same.

Claim Rejections – 35 USC § 102(e)

Claims 1, 6, 8, 9, and 22 - 28 were rejected as being anticipated by U.S. Publication No. 2002/0188861 (hereinafter, Townsend). This rejection is respectfully traversed.

Claims 25 – 28 are canceled. Therefore, any rejections related thereto are moot.

Applicant respectfully submits that the cited and relied upon Townsend discloses a system and method to create a security model for an organization operating an application on a computer network to protect the application from attack by unauthorized sources. (See Townsend, paragraph [0010]) Furthermore, the Townsend method and system are related to a security measure for an information system, application, application assets, and associated information data bases (See Townsend, paragraphs [0003] – [0010] and [0022])

The Office Action alleges that Townsend discloses a method including receiving information relating to a security risk by relying on process 100 of FIG. 1. However, Townsend explicitly discloses,

“information is gathered that describes the application assets and system architecture of the organization, details about daily operations, and the countermeasures employed at the time of assessment (state 110). In one implementation, this information is obtained by using a questionnaire that is answered by personnel familiar with the organization's operations, although other mechanisms for obtaining the information may be used such as, for example, automated interrogation of computer configurations and networked security services. The questionnaire is tailored to solicit information consistent with the parameters identified above.” (emphasis added) (See Townsend, paragraph [0024])

Thus, it is clear that the information received by the Townsend method is related to application assets, system architecture daily operations (i.e., business concerns) and countermeasures, not the claimed information relating to a particular security risk event.

Therefore, Applicant respectfully submits that the cited and relied upon Townsend fails to disclose or suggest that for which it is cited and relied upon for disclosing. As such, Applicant respectfully submits that Townsend does not anticipate claim 1 under 35 USC 102(b). Claims 6, 8, 9 depend from claim 1. Applicant submits that claims 6, 8, 9 are also not anticipated by Townsend under 35 USC 102(b) for at least depending from an allowable base claim. Applicant respectfully submits that Townsend does not anticipate claims 22 - 24 under 35 USC 102(b) for at least the same reasons as those discussed here in detail related to claim 1.

Therefore, Applicant respectfully requests the reconsideration of the rejection of claims 1 – 7 and 10 – 19 under 35 USC 102(b), and the allowance of same.

Claim Rejections – 35 USC § 103(a)1

Claims 20 - 21 were rejected as being unpatentable over Teller-Kanzler. This rejection is respectfully rejected.

Claims 20 and 21 depend from claim 1 which Applicant has shown to be patentable over Teller-Kanzler under 35 USC 102(b). Inasmuch as Applicant has shown the Teller-Kanzler fails to disclose that for which it was cited and relied upon for disclosing, Applicant respectfully submits that claims 20 and 21 are not obvious over Teller-Kanzler under 103(a).


Therefore, Applicant respectfully requests the reconsideration of the rejection of claims 20 and 21 under 35 USC 103(a), and the allowance of same.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date


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